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EXAMINER

TANG, KENNETH

ART UNIT	PAPER NUMBER
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2195

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/875,549	Applicant(s) KUWAMOTO ET AL.	
	Examiner Kenneth Tang	Art Unit 2195	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-15, 17-27, 29-33, 35 and 36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-15, 17-27, 29-33, 35 and 36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the Amendment filed on 1/7/05. Applicant's arguments have been fully considered but were not found to be persuasive.
2. It is noted that claims 10, 16, 28, and 34 are cancelled. Claims 1-9, 11-15, 17-27, 29-33, and 35-36 are presented for examination.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1-9, 11-15, 17-27, 29-33, and 35-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention:

- a. In claim 1, "the object" in lines 9 and 12 are indefinite because it is not made explicitly clear in the claim language whether this refers to "the object having a first type" (line 6) or if it is a different object from the plurality of objects. Furthermore, in line 5, a limitation is described "for each of the plurality of objects", but within that description, there is a responsive to objects only having a first type (line 6). This basically states that for all objects, only some have a first type. This makes no sense.
- b. In claim 2, "identifiers that will be returned unchanged" is indefinite because it is not understood how an identifier can be changed or if instead the information of the identifier is what is being unchanged. There is an essential step omitted in the claims involving the information associated with the identifier changes.

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- c. In claim 6, “third identifier” is indefinite because it is not made clear in the claim language whether there are a first identifier and a second identifier in the second object type. For example, are there 3 identifiers or only 1 in the second object type?
- d. In claim 9, the term “first at least one object” (line 2) is indefinite because it is grammatical incorrect and unclear whether or not this refers to a first object of at least one object. There is no relationship established in the claim language to indicate that this is a set, if it is. If Examiner’s guess is correct, Applicant is required to amend the claim language to appropriately reflect that.
- e. In claim 9, the term “second at least one object” (line 6) is indefinite because it is grammatical incorrect and unclear whether or not this refers to a second object of at least one object. If Examiner’s guess is correct, Applicant is required to amend the claim language to appropriately reflect that.
- f. Claim 19 is rejected for the same reasons as stated in the rejection of claim 1.
- g. Claim 27 is rejected for the same reasons as stated in the rejection of claim 9.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1-4, 6-9, 11-13, 15, 17-22, 24-27, 29-31, 33, and 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferrel et al. (hereinafter Ferrel) (US 5,907,837).

5. As to claim 1, Ferrel teaches a method of building a set of information, comprising: receiving a plurality of objects having one plurality of types; and for each of the plurality of objects (*col. 4, lines 44-56 and col. 30, lines 1-14*):

responsive to the object having a first type, providing a first set of information comprising (*col. 4, lines 44-56 and col. 30, lines 1-14*):

identifiers for information (*col. 4, lines 44-56*);

information related to the object, following the identifiers (*col. 4, lines 44-56*).

Ferrel teaches a plurality (indefinite amount) of identifiers but fails to explicitly teach that the plurality of identifiers are a pair of identifiers (first identifier and second identifier).

However, "Official Notice" is taken that both the concept and advantages of providing that a pair of identifiers is well known and expected in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a pair of identifiers to the existing system and method of Ferrel because an extra data structure allows for an extra capability or a more complex one.

6. As to claim 2, Ferrel teaches a first and second identifier for objects (see the rejection for claim 1) but fails to explicitly teach that an identifier will be returned unchanged by a processing system. However, it would have been obvious to one of ordinary skill in the art at the time the

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invention was made to include the feature of returning the identifiers unchanged in order for the same identifier to be used again to identify different information, for example.

7. As to claim 3, Ferrel teaches wherein the first identifier and the second identifier comprise tags (*col. 15, lines 35-49*).

8. As to claim 4, Ferrel teaches wherein each of the tags comprises a location identifier unique from the other tags corresponding to one selected from the first identifier and the second identifier (*see Abstract*).

9. As to claim 6, Ferrel teaches responsive to the object having a second type, providing a second set of information comprising information related to the object and a third identifier embedded in said information (*col. 4, lines 44-56 and col. 30, lines 1-14*).

10. As to claim 7, it is rejected for the same reasons as stated in the rejections of claims 3 and 6.

11. As to claim 8, Ferrel fails to explicitly teach wherein the second type comprises objects not entirely server side code. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the feature of objects not entirely server side code because this increases functionality and diversity by having some objects containing server side code and some objects that do not.

12. As to claim 9, Ferrel teaches the method of associating information received from a server with a first at least one object (*col. 4, lines 53-56*), comprising:

locating a pair of first identifiers in the information received from the server (*col. 4, lines 53-56*); and

associating information between the pair of first identifiers located with a second at least one object corresponding to the pair of first identifiers (*col. 4, lines 53-56*).

Ferrel teaches a plurality (indefinite amount) of identifiers but fails to explicitly teach that the plurality of identifiers are grouped in a pair of identifiers.

13. However, "Official Notice" is taken that both the concept and advantages of providing that a pair of identifiers is well known and expected in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a pair of identifiers to the existing system and method of Ferrel because an extra data structure allows for an extra capability or a more complex one.

14. As to claim 11, it is rejected for the same reasons as stated in the rejection of claim 9. In addition, Ferrel teaches the associating step comprises matching each of the first object identifier with a third at least one of the at least one second object (*col. 4, lines 44-56 and col. 30, lines 1-14*).

15. As to claim 12, it is rejected for the same reasons as stated in the rejection of claim 1. In addition, "Official Notice" is taken that both the concept and advantages of providing that a pair

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of identifiers to another pair of identifiers is well known and expected in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a pair of identifiers to another pair of identifiers to the existing system and method of Ferrel because an extra data structure allows for an extra capability or a more complex one (hierarchy).

16. As to claim 13, Ferrel fails to explicitly teach wherein the first first identifier comprises an even number and the second first identifier comprises an odd number, greater than the even number of the first first identifier. However, it is well known and obvious in the art that there are indefinite possibilities of what the identifiers can comprise and an even number and the second first identifier comprising an odd number, greater than the even number of the first first identifier is one of them.

17. As to claim 15, Ferrel teaches:
locating a second identifier in the information received from the server (*col. 4, lines 44-56 and col. 30, lines 1-14*); and associating information corresponding to the second identifier located with a third at least one object corresponding to the second identifier (*col. 4, lines 44-56 and col. 30, lines 1-14*).

18. As to claim 17, Ferrel teaches wherein the information corresponding to the second identifier comprises information surrounding the second identifier (*col. 4, lines 44-56 and col. 30, lines 1-14*).

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19. As to claim 18, Ferrel teaches wherein:

the information corresponding to the second identifier comprises a tag and

the second identifier comprises an attribute of the tag (*col. 4, lines 44-56 and col. 30, lines 1-14, col. 15, lines 35-49*).

20. As to claims 19-22, they are rejected for the same reasons as stated in the rejection of claims 1-4.

21. As to claim 24, it is rejected for the same reasons as stated in the rejection of claim 6.

22. As to claim 25, it is rejected for the same reasons as stated in the rejection of claims 3 and 7.

23. As to claim 26-27 and 29-31, they are rejected for the same reasons as stated in the rejection of claims 8-9 and 11-13, respectively..

24. As to claims 33, 35, and 36, they are rejected for the same reasons as stated in the rejection of claims 15, 17, and 18, respectively.

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25. Claims 5, 14, 23, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferrel et al. (hereinafter Ferrel) (US 5,907,837) in view of Clark et al. (hereinafter Clark) (US 6,073,163.

26. As to claim 5, Ferrel teaches object types that contain information and identifiers but fails to explicitly teach wherein the first type comprises server side code. However, Clark teaches that the server-side code maintains information relating to objects that have been created at the client (*col. 7, lines 15-16*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the feature of an object type comprising server side code because it increases functionality by creating awareness and being able to take action in response to other actions (*col. 7, lines 16-21*).

27. As to claim 14, Ferrel fails to explicitly teach wherein the second at least one objects comprise server side code. However, Clark teaches that the server-side code maintains information relating to objects that have been created at the client (*col. 7, lines 15-16*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the feature of an object type comprising server side code because it increases functionality by creating awareness and being able to take action in response to other actions (*col. 7, lines 16-21*).

28. As to claim 23, it is rejected for the same reasons as stated in the rejection of claim 5.

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29. As to claim 32, it is rejected for the same reasons as stated in the rejection of claim 14.

Response to Arguments

30. *Applicant argues on page 15 (second paragraph) that the claim is not indefinite because the object in line 6 is the "each" in line 5, which has been specified in line 5 as each of "the plurality of objects" of line 3.*

In response, the Examiner respectfully disagrees. In line 5, a limitation is described "for each of the plurality of objects", but within that description, there is a responsive to objects only having a first type (line 6). This basically states that for all objects, only some have a first type. This makes no sense.

31. *Applicant argues on page 16, first paragraph, that claim 2 is not indefinite because the identifiers are returned unchanged.*

In response, the Examiner respectfully disagrees. Claim 2 does not explicitly make it clear whether or not the identifiers which are associated with the information related to the object (from claim 1) is returned unchanged.

32. *Applicant argues on the second paragraph of page 16 that the claim does not specify whether it has any other identifiers: it has the third one and that is clear. Therefore, it is not indefinite.*

In response, the Examiner respectfully disagrees. Applicant states that it is clear that there is only a third identifier. Why is there a third identifier if there is no first identifier nor a second identifier for this specific object type. This is not made clear in the claim language.

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33. *Applicant argues on page 16, 3rd paragraph that "at least one object" is equivalent to a "set of at least one object." Therefore, it is not indefinite.*

In response, the Examiner respectfully disagrees. The "set of at least one object" is not in the claim language.

34. *Applicant argues on pages 18-20 that Ferrel teaches a single identifier and not a plurality of one. Applicant also argues that Ferrel does not teach a motivation of having two identifiers rather than one.*

In response, the Examiner respectfully disagrees. The Applicant has completely misread the Examiner's rejection and makes arguments that don't correspond to the rejections. The Examiner stated that Ferrel does teach having a plurality (not single) of identifiers (*identifiers, see Abstract, for example*). The Examiner stated that Ferrel fails to explicitly teach having the plurality of identifiers merely be in a pair. The Applicant does not traverse the rejection of the identifiers be in a pair made by the Examiner.

The Examiner utilized a rejection based on "Official Notice" because it is well known or common knowledge to one of ordinary skill in the art to have a pair of identifiers to the existing system and method of Ferrel because an extra data structure allows for an extra capability or a more complex one. As an example of objective support, US 6377259 teaches a data structure used for a pair of identifiers (ID) for the advantage of using the extra (second of the pair) for an extra capability or function (*col. 9, lines 25-30, col. 11, lines 32-58, etc.*).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Tang whose telephone number is (571) 272-3772. The examiner can normally be reached on 8:30AM - 6:00PM, Every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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